

26-18-504 Appeals of division decision -- Rulemaking authority -- Application of act.

- (1) A decision by the director under this part to deny Medicaid certification for a nursing care facility program or to deny additional bed capacity for an existing certified program is subject to review under the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.
- (2) The department shall make rules to administer and enforce this part in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) A nursing care facility may receive Medicaid certification under the rules in effect prior to July 1, 2004 if the nursing care facility, prior to May 4, 2004:
 - (a)
 - (i) paid applicable fees to the department; and
 - (ii) submits construction plans to the department; or
 - (b) is in a current phase of construction approved by the department.
- (4)
 - (a) In the event the department is at risk for a federal disallowance with regard to a Medicaid recipient being served in a nursing care facility program that is not Medicaid certified, the department may grant temporary Medicaid certification to that facility for up to 24 months.
 - (b)
 - (i) The department may extend a temporary Medicaid certification granted to a facility under Subsection (4)(a):
 - (A) for the number of beds in the nursing care facility occupied by a Medicaid recipient; and
 - (B) for the period of time during which the Medicaid recipient resides at the facility.
 - (ii) A temporary Medicaid certification granted under this Subsection (4) is revoked upon:
 - (A) the discharge of the patient from the facility; or
 - (B) the patient no longer residing at the facility for any reason.
 - (c) The department may place conditions on the temporary certification granted under Subsections (4)(a) and (b), such as:
 - (i) not allowing additional admissions of Medicaid recipients to the program; and
 - (ii) not paying for the care of the patient after October 1, 2008, with state only dollars.

Amended by Chapter 347, 2008 General Session

Amended by Chapter 382, 2008 General Session